

RESOLUTION NO. 2009-24

A RESOLUTION declaring certain real property commonly known as Myer's Pit and the Old Decant Facility to be surplus to the needs of the City of Bainbridge Island and authorizing the sale of such properties.

WHEREAS, the purchase of Myer's Pit (Parcel No. 272502-2-016-2002) legally described on Exhibit A attached hereto and made a part hereof by this reference ("Myer's Pit") was approved by the City Council on May 9, 2001 under a Real Estate Contract with Kitsap County, dated August 13, 2001, which also included two other properties, commonly known as Lovgren Pit and Miller Road Shed; and

WHEREAS, final payment for the three parcels is due in 2011, but the City may acquire the three properties early by paying Kitsap County the remaining \$60,000 under the Real Estate Contract; and

WHEREAS, Myer's Pit was used in the past by the Operations and Maintenance Department; and

WHEREAS, City Council approved the purchase of the Old Decant Facility (Parcel No. 272502-2-050-2009) legally described on Exhibit A attached hereto and made a part hereof by this reference ("Old Decant Facility") from Kitsap County on June 16, 1983 for use as a maintenance facility and new well site, and the property was purchased on September 12, 1983; and

WHEREAS, the Old Decant Facility was used as a decant facility and for storage of equipment by the Operations and Maintenance Department; and

WHEREAS, Myer's Pit and the Old Decant Facility (the "Properties") are surplus to the needs of the City; and

WHEREAS, an ad hoc committee of the City Council has recommended that the Properties be declared surplus and sold by a real estate agent through a multiple listing service or by negotiated sale to Puget Sound Energy; and

WHEREAS, the sale price of the Properties will be based upon a professional appraisal; and

WHEREAS, a well site is located on the southern portion of the Old Decant Facility which the City would retain through a boundary line adjustment; and

WHEREAS, the ad hoc committee of the City Council has recommended that the City (a) retain a trail easement on the western border of the Old Decant Facility and the northern boundary of Myer's Pit and the Old Decant Facility, (b) place a conservation easement in favor of Bainbridge Island Land Trust along Cooper Creek to protect the salmon habitat and recent conservation work and (c) retain a water line utility easement on the northern border of the Old Decant Facility and Myer's Pit; and

WHEREAS, the City has conducted a public hearing on September 2, 2009 regarding the sale of the Properties; and

WHEREAS, the City Council finds that it is in the best interest of the City of Bainbridge Island to declare the Properties surplus and authorize their sale, pending completion of the SEPA review process, now, therefore,

THE CITY COUNCIL OF THE CITY OF BAINBRIDGE ISLAND, WASHINGTON, DOES RESOLVE AS FOLLOWS:

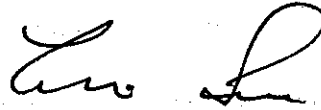
1. Myer's Pit and the Old Decant Facility, legally described on attached and incorporated Exhibit A, are hereby declared surplus to the needs of the City of Bainbridge Island.

2. It is in the best interest of the citizens of Bainbridge Island to sell said surplus properties.
3. The sale of Myer's Pit shall be contingent on the agreement of Kitsap County to receive early payment under that certain Real Estate Contract dated August 13, 2001.
4. The sale of the Properties shall be further contingent upon each sale completing environmental review in accordance with the State Environmental Policy Act and the expiration of the SEPA appeal period.
5. Prior to the sale, a boundary line adjustment on the Old Decant Facility will carve out a well protection area in the southern portion of the parcel.
6. The City shall (a) retain a trail easement on the western border of the Old Decant Facility and the northern boundary of Myer's Pit and the Old Decant Facility, (b) place a conservation easement in favor of Bainbridge Island Land Trust along Cooper Creek to protect the salmon habitat and recent conservation work and (c) retain a water line utility easement on the northern border of the Old Decant Facility and Myer's Pit.
7. The sale price of each Property will be based upon a professional appraisal of the value of each Property with the recognition that the final sales price may be lower than the appraised value by a factor of up to ten percent (10%), or that the purchase price may be higher than the appraised value.
8. The Properties shall be listed for sale by a real estate agent through a multiple listing service or sold by negotiated sale to Puget Sound Energy.

9. The City Manager, and his designees, are hereby authorized to take all necessary and appropriate steps to sell and transfer said property in accordance with applicable federal, state and local law, including negotiation and execution of all contracts, real estate purchase and sale agreements, and other legal documents required to sell the Property.

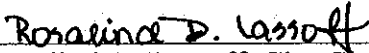
PASSED by the City Council this 2nd day of September, 2009.

APPROVED by the Mayor this 11th day of September, 2009.



Christopher Snow, Mayor

ATTEST/AUTHENTICATE:



Rosalind D. Lassoff, City Clerk

FILED WITH THE CITY CLERK: August 25, 2009

PASSED BY THE CITY COUNCIL: September 2, 2009

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EXHIBIT A

LEGAL DESCRIPTION OF MYER'S PIT

PART OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 27, TOWNSHIP 25 NORTH, RANGE 2 EAST, W.M., KITSAP COUNTY, WASHINGTON DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 89°32'51" EAST 660.97 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 0°04'46" EAST 729.50 FEET; THENCE NORTH 88°18'40" WEST 297.12 FEET; THENCE SOUTH 1°21'20" WEST 112.11 FEET; THENCE SOUTH 66°40'20" WEST 162.82 FEET; THENCE NORTH 74°49'30" WEST 219.64 FEET, MORE OR LESS, TO THE SECTION LINE; THENCE NORTH 0°03'02" WEST 850.75 FEET ALONG THE SECTION LINE TO POINT OF BEGINNING CONTAINING 12.3 ACRES, MORE OR LESS;

EXCEPT THAT PORTION CONVEYED TO THE CITY OF WINSLOW PER STATUTORY WARRANTY DEED RECORDED UNDER AUDITOR'S FILE NO. 8309270152;

TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES OVER AND ACROSS A STRIP OF LAND 30 FEET WIDE, THE CENTERLINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 15 FEET WEST OF THE SOUTHEAST CORNER OF THE WEST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF THE ABOVE MENTIONED SECTION AND RUNNING; THENCE NORTH 0°04'46" WEST 247.0 FEET, MORE OR LESS; THENCE NORTH 85°25' WEST 492 FEET; THENCE NORTH 26°50' WEST 120 FEET; THENCE NORTH 7°00' EAST 70 FEET, MORE OR LESS, TO ABOVE DESCRIBED COUNTY PROPERTY.

LEGAL DESCRIPTION OF OLD DECANT FACILITY

TH PTN OF W1/2 SW1/4 NW1/4 DAF BAT NW COR OF SW1/4 NW1/4 TH S89°32'51E 315FT TH S0°00'02E 722.01FT TH S88°18'40E 49.38FT TO NW COR OF PRTY CNVYD TO ELMER SWEDINE BY DEED RECD SEPT 11 1961 UNDER AUD NO 754980 TH S1°21'20W 112.11FT TH S66°40'20W 162.82FT TH N74°49'30W 219.64 FT M/L TO W SEC LN TH N0°03'02W 850.75FT ALG SD SEC LN TO TPOB EXC N 15FT OF E 179.76FT ALSO EXC A STRIP OF LAND 30FT IN WIDTH FOR RD PURP CTRLN OF WH IS DAF BAT NW COR OF SW1/4 NW1/4 TH S89°32' 51E 660.97FT M/L TO NE COR OF W1/2 SW 1/4 NW1/4 TH S0°04'46E 729.50FT TH N88° 18'40W 312.12FT BEING TPOB OF 30FT STRIP TH S1°21'20W 103.62FT TH S66° 40'20W 146.73FT TH N74°41'39W 95FT M/L TO E LN OF EXST R/W ALSO EXC ESMT FOR RD PURP RECD UNDER AUD NO 422781 ALSO EXC ESMT FOR UTIL PURP RECD UNDER AUD NO 782718 ALSO EXC BUCKLIN HILL RD TGW ESMT OVER STRIP OF LAND 30FT WIDE FOR RD PURP

CTRLN DAF BAAP 15FT W OF SE COR OF W1/2 SW1/4 NW1/4 TH N0*04'46W 247.0 FT
M/L TH N85*25'W 492FT TH N26*50'W 120FT TH N7*00'E 70FT M/L TO ABV DESC CO
PRTY